

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Antonio Delk,

Petitioner,

Civil File No: 13-cv-89 (JRT/SER)

v.

Warden Michelle Smith,

Respondent.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Antonio Delk, Pro Se, No. 223282, MCF-Stillwater, 970 Pickett Street North, Bayport, Minnesota 55003, *pro se* petitioner,

Michael J. Lieberg, **STEARNS COUNTY ATTORNEY'S OFFICE**, 705 Courthouse Square, Room 448, St. Cloud, Minnesota 56303, for respondent.

Jennifer R. Coates and Matthew Frank, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1800, St. Paul, Minnesota 55101, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated January 27, 2014 [Docket No. 12]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Delk's Petition for habeas relief under 28 U.S.C. § 2254 [Doc. No. 1] is **DENIED**;
2. This action is **DISMISSED**; and

3. No COA is issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 11, 2014
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge